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July 29, 2020

The Honorable Joseph A. Dickson  
United States Magistrate Judge  
King Fed. Bldg. & United States Courthouse  
50 Walnut St., P.O. Box 999  
Newark, New Jersey 07101-0999

**Re: White, et al. v. Samsung Electronics America, Inc., et al.,  
Case No. 17-1775 (MCA)(JAD)**

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Dear Honorable Judge Dickson:

I write on behalf of Plaintiffs to inform the Court that, pursuant to your Honor's instructions, the parties met and conferred through multiple email exchanges with regard to Plaintiffs' request for limited discovery concerning Defendants' motion to compel arbitration.<sup>1</sup>

Specifically, Plaintiffs' made only one request from Defendants, and asked for: *"any and all arbitration agreements (and/or waiver of class action provisions) respecting the model Smart TV's at issue in the case (from the time defendants first sold those Smart TVs to the present), including the specific arbitration (and/or waiver of class action provisions) that existed on the date this action was originally filed against each respective defendant . . ."*

Plaintiffs' position is that the documents are highly relevant to Plaintiffs' contention that Defendants' have waived their right to invoke arbitration at this juncture in the litigation under the standard set forth by the Third Circuit in Hoxworth v. Blinder, Robinson Co., Inc., 980 F.2d 912, 926 (3rd Cir. 1992). See

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<sup>1</sup> Due to Plaintiffs' counsels' ongoing medical conditions, I was unable to engage in the meet and confer by phone.

also Price v. UBS Fin. Serv. Inc., Case 2:17-cv-01882-WJM-MF (D.N.J. 2018) (attached hereto as Exhibit 1).

Defendants responded that the documents requested by Plaintiffs are irrelevant. By email dated 7/28/20, Defendants refused to provide the requested documents and explicitly stated: “we [do not] see any relevance on the ‘waiver’ issue.”

As of right now, Plaintiffs’ oppositions to Defendants’ motions to compel arbitration are due on August 26, 2020 but, without the relevant documents requested from Defendants, Plaintiffs could be severely compromised in their ability to respond to Defendants’ motions to compel arbitration. Accordingly, Plaintiffs’ respectfully ask the Court to require Defendants to immediately produce to Plaintiffs the particularly relevant documents set forth above.

Respectfully,

/s/ Mack Press

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Mack Press  
Counsel for Plaintiffs

Cc: all parties via ECF